

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

PHILIPS NORTH AMERICA LLC, a
Delaware Company; KONINKLIJKE PHILIPS
N.V., a Company of the Netherlands; and
PHILIPS INDIA, LTD., an Indian Company,

Plaintiffs,

vs.

SUMMIT IMAGING INC., a Washington
Corporation; LAWRENCE R. NGUYEN, an
individual; and DOES 1-10, inclusive,

Defendants.

NO. 2:19-cv-01745-JLR

**STIPULATED MOTION AND
ORDER REGARDING CERTAIN
DATES**

NOTE ON MOTION CALENDAR:
November 25, 2020

I. STIPULATION

Plaintiffs Philips North America LLC, Koninklijke Philips N.V. and Philips India, Ltd.
and Defendants Summit Imaging, Inc. and Lawrence R. Nguyen, by and through their
undersigned counsel of record, hereby stipulate and agree as follows:

1. The Court's Order Granting in Part and Denying in Part Plaintiffs' Motion to
Dismiss Counterclaims granted Philips' motion to dismiss Summit's "Sherman Act § 2 antitrust
counterclaims based on an 'essential facilities' theory." Dkt. 73 at 21:16-18. These

1 counterclaims were dismissed “without prejudice and with leave to amend.” *Id.* at 21:19. The
 2 deadline for Defendants to file amended counterclaims is December 7, 2020. *Id.* at 22:1-2.

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 4 2. The Court’s Order Granting Motion to Amend and to Show Cause Regarding
 5 Scheduling granted Summit’s motion for leave to amend and provided that Summit should “file
 6 its proposed amended answer within seven days of the filing date of this order”—*i.e.*,
 7 November 30, 2020. Dkt. 77 at 5:6-7. The Court’s order also provided that the parties should
 8 meet and confer regarding certain issues by November 30 and then respond to order and show
 9 cause by December 7.

10 3. Summit has advised that it intends to replead its “essential facilities”
 11 counterclaim. Accordingly, in order to avoid overlapping and successive pleadings, and to
 12 permit the parties to meet and confer in a more informed manner, the parties stipulate and
 13 agree, subject to the Court’s approval, to the following modified schedule:
 14

Case Event	Current Deadline	New Deadline
Defendants’ Amended Answer	November 30, 2020	December 7, 2020
Defendants’ Amended Counterclaim (included with Defendant’s Amended Answer in a single pleading)	December 7, 2020	December 7, 2020
Meet and confer per Dkt. 77	November 30, 2020	December 9, 2020
Respond to Order to Show Cause	December 7, 2020	December 11, 2020
Plaintiffs’ Response to Defendants’ Counterclaims per FRCP 15	November 30, 2020	December 21, 2020
Plaintiffs’ Response to Defendants’ Amended Counterclaims per FRCP 15	December 21, 2020	December 21, 2020

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SO STIPULATED AND AGREED: November 25, 2020

SAVITT BRUCE & WILLEY LLP

By /s/ Stephen C. Willey

Stephen C. Willey, WSBA #24499
1425 Fourth Avenue, Suite 800
Seattle, WA 98101-2272
Telephone: 206.749.0500
Email: swilley@sbwllp.com

REED SMITH LLP

Christine Morgan (*pro hac vice*)
Johnathan I. Detrixhe (*pro hac vice*)
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Tel: (415) 543-8700
Email: cmorgan@reedsmith.com
Email: jdetrixe@reedsmith.com

Carla M. Wirtschafter (*pro hac vice*)
1901 Avenue of the Stars, Suite 700
Los Angeles, CA 90067
Tel: (310) 734-5200
Email: cwirtschafter@reedsmith.com

Kirsten R. Rydstrom (*pro hac vice*)
Richard A. Graham (*pro hac vice*)
Reed Smith Centre, 225 Fifth Ave
Pittsburgh, PA 15222
Telephone: (412) 288-3131
Email: krydstrom@reedsmith.com
Email: rgraham@reedsmith.com

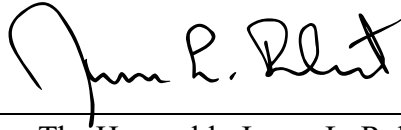
Gerard M. Donovan (*pro hac vice*)
1301 K Street, N.W.
Suite 1000, East Tower
Washington, DC 20005-3317
Telephone: (202) 414-9200
Email: gdonovan@reedsmith.com

*Attorneys for Plaintiffs Koninklijke Philips N.V.,
Philips North America LLC, and
Philips India, Ltd.*

II. ORDER

It is so ORDERED.

DATED: November 25, 2020.

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

The Honorable James L. Robart